

REMARKS/ARGUMENTS

Claims 10 and 11 have been amended. Claims 1-18 remain pending. Claims 1-9 have been withdrawn from consideration.

20 The restriction requirement

The restriction requirement, which has been traversed, has been repeated and made final. However, the restriction requirement has still not been properly supported, and its reconsideration and withdrawal is again requested. MPEP 806.05(h) sets forth the applicable guidelines for restriction between product and process of using. It is attempted in the office action to show that the process for using the product as claimed in the process claims encompasses the use of products which are materially different from those claimed in the composition claims and page 4, lines 50-57 are pointed to in support of this assertion. However, the passage referred to describes targets of the composition, rather than the characteristics of the composition and is thus not on point.

30 Double patenting rejection

Claim 10 has been been provisionally rejected for double-patenting, obviousness type, over claims 40 and 42 of copending application serial number 09/183,454. The rejection is traversed, but is submitted to be obviated by the above amendment, which adds limitations to better differentiate the copending application.

35 Claim 10 is amended to recite:

“passing the blood of said mammal in into contact with said supported conjugate to bring said conjugate into contact with said living pathogens and form treated blood which is passed back into circulation in said mammal.”

It is acknowledged in the office action that “the prior art neither anticipates nor renders obvious a
40 method of treating an infectious disease caused by a living blood borne pathogen wherein a bed of
particles is generated such that the blood from the subject flows through the bed resulting in
treated blood that is later returned to the subject.” Claim 10 as amended distinguishes the
copending application, as well as the Dropulic reference, on much this same basis. The added
limitations are fairly supported by original claim 11, for example, and do not constitute new
45 matter.

Reconsideration and withdrawal of the double patenting rejection is respectfully requested.

Claim objections

Claims 11-13 were indicated to be allowable if amended to independent form including all of the
50 limitations of the base claim and any intervening claims. The claims have been so amended. An
indication of allowability of claims 11-13 is requested.

Indication of allowable subject matter

The indication that claims 14-18 are allowable is acknowledged with appreciation.

Objection to the specification

It is noted that the PTO-326 cover sheet indicates an objection to the specification which is not
55 addressed in the body of the office action and has therefore not been addressed herein. In the
event that any such objection remains outstanding, a telephone call to the undersigned would be
appreciated. The application referenced on page 1 remains pending.

Conclusion

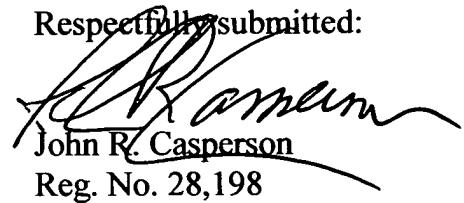
60 In view of the foregoing, reconsideration and withdrawal of all grounds of rejection and
early notice of allowance is respectfully solicited.

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